



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

126

CR-5064-2024

Date of Decision.:04.09.2024

Ajit Singh @ Ajit Pal Singh

Petitioner

Vs.

Surjit Kaur and Others

Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: Mr. Munish Gupta, Advocate
for the petitioner.

DEEPAK GUPTA, J. (ORAL)

By way of impugned order dated 20.07.024 (Annexure P-7), the trial Court has declined the prayer of the petitioner- plaintiff to amend the plaint under Order 6 Rule 17 CPC.

Learned counsel contends that suit was filed for declaration to the effect that he is the owner in possession of the suit property and had prayed for decree of permanent injunction. By way of amendment he wanted to add another property in Village Dhade Baba Mohar Singh. The prayer has been declined by observing that allowing the application would add a new cause of action and will alter the nature of the suit and the proceedings.

Perusal of the impugned order would reveal that case is still at the stage of service inasmuch as defendant No.6 has not been served till date. The said fact is even confirmed by learned counsel for the petitioner before this Court.

**CR-5064-2024****-2-**

Having regard to the aforesaid facts and circumstances, the impugned order dated 20.07.2024 is not sustainable.

Without issuing any notice to the respondents, in order to avoid unnecessary delay, the present petition is allowed. Trial Court is directed to permit the plaintiff to amend the plaint. However, it is subject to ₹5,000/- as cost payable to the respondents- defendants, who have already been served.

(DEEPAK GUPTA)
JUDGE

September 04, 2024

Neetika Tuteja

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No